

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL COMMISSION CHAMBERS – 1<sup>ST</sup> FLOOR  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
MAY 21, 2008 – 6:30 P.M.**

<b>Board Members</b>	<b>Attendance</b>	<b>Cumulative June 2007 – May 2008</b>	
		<b>Present</b>	<b>Absent</b>
Edward Curtis, Chair	P	10	2
Catherine Maus, Vice Chair	P	11	1
Rochelle Golub	P	12	0
Steve Glassman	P	11	1
Mary Graham	P	11	1
Pamela Adams	P	10	2
Tom Welch	P	10	2
Maria Freeman	P	9	3

**Staff**

Greg Brewton, Director of Planning & Zoning  
Yvonne Redding, Planner II  
Thomas Lodge, Planner II  
Mike Ciesielski, Planner II  
Sharon Miller, Assistant City Attorney  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

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10.	27-R-08	St. Thomas Aquinas High School, Inc. / Storage Building	

For the Good of the City

**Call to Order**

Chair Curtis called the meeting to order at 6:30p.m., followed by the Pledge of Allegiance.

Chair Curtis introduced the members of the Board and explained the procedures that would be followed during tonight's meeting. Greg Brewton introduced the Staff members

present. Assistant City Attorney Sharon Miller explained the procedures for quasi-judicial cases.

### **Approval of Minutes**

Mr. Glassman noted some corrections be made on pages 24 and 25 of the Minutes, wherein Ms. Sherer should be corrected to "Scher" and Mr. Rubenstein be corrected to "Rubinstein." Also, in two places on pages 24 and 25, there were extraneous words that were deleted to make sentences more understandable. **Motion** was made by Vice Chair Maus, seconded by Ms. Graham, to approve the minutes of the April 16, 2008, Planning and Zoning Board meeting. In a voice vote, the motion was approved unanimously.

### **Cases**

		<u>Index</u>
<b>1. <u>City of Fort Lauderdale / Fire Station 46</u></b>	<b>Renee Cross</b>	<b>6-T-07</b>
<b>Request: *</b>	<b>City and County Land Use Plan Map Amendment / Park to Community Facilities</b>	
Legal Description:	A portion of tract "A" "Lake Lauderdale Recreation Area" according to the plat thereof, recorded in P.B. 134, P. 38, of the Public Records of Broward County, Florida	
Address:	1515 NW 19 Street	
General Location:	South border of Mills Pond Park	

Chair Curtis noted that Staff has requested a deferral of this item to the June 18, 2008, Planning and Zoning Board Meeting, which was confirmed by Greg Brewton, Director of Planning and Zoning.

**Motion** made by Ms. Golub, seconded by Vice Chair Maus, to defer this item to the June 18, 2008 Planning and Zoning Board Meeting. In a voice vote, the motion was approved unanimously (7-0). [Ms. Adams absent for this vote]

<b>2. <u>City of Fort Lauderdale / RDM Development</u></b>	<b>Thomas Lodge</b>	<b>2-Z-08</b>
<b>Request:</b>	<b>Rezoning / Rezone from B-2 to RMM-25</b>	
Legal Description:	Lots 25 and 26, Block D of "Fort Lauderdale Land and Development Co. Block 6"	
Address	721 & 723 NW 2 Street	
General Location	North side of NW 2 Street located between NW 7 Avenue and NW 8 Avenue	

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Regina Bobo Jackson, Gator Engineering Consultants, on behalf of the Applicant, advised that a rezoning was being requested from B2 to RMM25. The two lots for which rezoning is being requested, Lots 25 and 26, are adjacent to lots already zoned multi-family residential. In addition, much of the other property surrounding Lots 25 and 26 is conducive to the rezoning request here. Ms. Jackson stated that the Applicant has met all of the conditions for rezoning.

Tom Lodge, City Planner, reiterated that the Applicant is requesting rezoning from general business B2 to residential multi-family, mid-rise, medium height density, RMM25, to allow for future townhouse development. The proposed rezoning would not introduce a new use into the neighborhood as the existing RMM25 district abutting the property to the west contains mostly multi-family and single-family homes. Mr. Lodge advised that the sites to the east of the property in the current B2 zoning district are also 2-story multi-family buildings.

Mr. Lodge then stated the criteria necessary for evaluation of the rezoning request.

Chair Curtis, hearing no questions for Staff, opened the public hearing. There being no members of the public wishing to speak on this item, Chair Curtis closed the public hearing and brought the discussion back to the Board.

**Motion** made by Vice Chair Maus, seconded by Mr. Glassman to approve rezoning request as presented. In a roll call vote the motion was approved unanimously (7-0). [Ms. Adams absent for this vote]

**3. Hans P. Volkmeier**

**Yvonne Redding**

**3-P-08**

**Request: \*\***

**Plat Approval / RS-8**

**Legal Description:**

Lots 1, Block 3, "Riverside ADD Amen Plat" P.B. 1, P. 13 of the Public Records of Miami-Dade County, together with the south ½ of the vacated SW 7 Street laying north and adjacent to Lot 1, per ORD C-92-54

**Address:**

1130 SW 7 Street

**General Location:**

East of SW 12 Avenue and South of SW 7 Street

[Board Member, Pamela Adams arrives at 6:42 p.m.]

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Courtney Crush, Esquire, on behalf of the Applicants, Hans P. Volkmeier and Gisela A. Wenkel, the property owners, explained that this matter involved a re-subdivision of a

large waterfront lot, located at 1130 SW 7<sup>th</sup> Street. It is the Applicants' desire to create two lots from the current almost 20,000 sq. ft. existing lot: (1) consisting of approximately 7,600 sq. ft., and (2) being approximately 12,000 sq. ft. in size.

Ms. Crush explained that there were previously two homes on the Applicants' property, one having been demolished. Because the Applicants now wish to rebuild this second home, the City requires that as long as zoning requirements have been met, the lot must be subdivided. Specifically, Ms. Crush advised that the property meets the RS8 zoning requirements, the adequacy requirements, and is consistent with the land use plan.

Ms. Crush indicated that this property is accessed by 7<sup>th</sup> Street which was, until 1992, a City of Fort Lauderdale roadway, dedicated by easement. In 1992, it was vacated by the City and the property owners immediately granted to each other a private access drive for pedestrian and vehicular use. The City required that they be granted a utility easement. There are 4 property owners that have a perpetual easement for access to their properties that is served by the private access drive, which is still called 7<sup>th</sup> Street.

Ms. Crush referenced an e-mail sent to the Board by one of the property owners, Mr. Bagnell, in which he indicated a concern of being land-locked by the Applicants' subdivision request. She explained that Mr. Bagnell actually executed the easement with the other neighbors at the time they petitioned the City to vacate the street and, as such, has access to his property.

Ms. Crush explained that the home which the Applicants wish to rebuild will actually front, and have its access off of 12<sup>th</sup> Avenue. The construction of this home will actually not increase any of the traffic on 7<sup>th</sup> Street, but will potentially diminish it from what it was a year ago.

Ms. Crush advised that the Applicants meet the remainder of the adequacy requirements, and that the Fire Department and City Engineering Department have reviewed the lot creation and the access for adequacy, and find it to be sufficient. Ms. Crush indicated that the Applicants' consultant, Dan Fee of C.D.I. Engineering, is handing to the Board copies of letters of support from Riverside Park and Tarpon River Homeowners' Associations, who were presented with the subdivision in March, and who both voted in favor of the re-subdivision.

Yvonne Redding, City Planner, reiterated that the Applicants are requesting the subdivision of a large parcel into two lots, which will both meet the standards of the RS8 zoning and the subdivision regulations for the minimum requirements for a new lot created today, with the exception of the statement that there should be no private streets platted in any subdivision. Every subdivision, lot or property shall be served from a publicly dedicated street. Ms. Redding indicated that this requirement may be waived by the Board in special situations where the Board finds public safety, convenience and welfare can be adequately served. Ms. Redding explained that in order to determine if this was possible, the City had asked the Fire, Sanitation, Engineering and Zoning Departments to review the plat. Ms. Redding stated that these Departments have all

signed-off that these properties can be adequately served and that the traffic pattern would not change for the street, as the new lot would be served off of SW 12<sup>th</sup> Avenue.

Chair Curtis invited questions for Staff by the Board.

Ms. Golub asked if anyone has looked at the easement to see if it is adequate for the ongoing and perpetual use of this private road by all the lots. Ms. Redding responded that both she and the Engineering representative had been out to the lot on a site visit, and that there is need for improvement, as there are encroachments on both sides of the easement, of which the Applicants are aware as being Code issues. Ms. Golub asked Ms. Redding how the City intends to enforce that the 7<sup>th</sup> Street easement will, in fact, service the first lot. Ms. Redding defers this question to the Applicant. Ms. Crush stated that the waterfront lot is currently served by SW 7<sup>th</sup> Street and will continue to have the same access that it has had for perpetuity. At Ms. Golub's request, Ms. Crush presented the easement and the vacation to her for review. Ms. Golub asked that these documents be submitted for the record.

Regarding lot 2, on the west property line, Ms. Graham asked Ms. Redding if there is sufficient set-back to comply with where the new property line will run north-south. Ms. Redding stated that this would be a side property line, where there would be a 5-foot setback.

Mr. Glassman asked if Staff was in agreement that the right-of-way does meet the intent of the section of the Code. Ms. Redding advised that, considering the width of the easement as well as the support of Engineering, Staff does feel it is adequate to service those lots. Ms. Redding further stated that the encroachments would have to be corrected and the easement would have to be maintained.

Mr. Glassman referred to the e-mail received by the Board and the issue of the right-of-way of 7<sup>th</sup> Street and the claims that portions are fenced off, there being congestion and that everyone is parking on the 7<sup>th</sup> Street right-of-way, causing blockage of access. Ms. Redding confirmed that this was occurring, and that it has been verified that each of the owners appeared to be equally responsible, but that these were Code issues that would need to be addressed as such.

Ms. Golub questioned Staff if the easement as written would apply to the two lots being created from one old lot. Ms. Redding answered that the easement was reviewed by the City Surveyor and he did agree the easement would serve the lots.

Chair Curtis, hearing no additional questions for Staff, opened the public hearing. There being no members of the public wishing to speak on this item, Chair Curtis closed the public hearing and brought the discussion back to the Board.

**Motion** made by Vice Chair Maus, seconded by Ms. Adams to approve Plat as presented. In a roll call vote the motion was approved unanimously (8-0).

**4. P.H.D. Development, LLC.**

**Yvonne Redding**

**127-R-07**

**Request: \*\* \***

**Site Plan Level III / Cluster Development / RD-15**

**Legal Description:**

Lots 7,8 and 9, Block 68 of "LAUDERDALE" to the Plat thereof as recorded in Plat Book 2, Page 9, of the Public Records of Dade County, Florida

**Address:**

1615 SW 4 Avenue

**General Location:**

West Side of SW 4 Avenue and North of SW 16 Court

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Mike Stroh, on behalf of the Applicant, PHD Development, advised that this was a cluster-type development, consisting of 3 units, being 2-stories each. Mr. Stroh stated that the proposed development complies with all zoning requirements. The proposed units will be 2-stories and no higher than 26 feet, while most of the new developments in the area are 3-story duplexes. Mr. Stroh indicated that most of the existing houses were 1-story to 2-stories.

Yvonne Redding, City Planner, stated that the zoning for the property was RD-15, which allows single-family duplex or cluster developments. The Applicant has designed a 3-unit cluster development in which the garages face the alley since the access to SW 4<sup>th</sup> Avenue has been denied by the Department of Transportation because of the traffic impacts. The alley is 10 ft. wide and 5 ft. of the property is being dedicated to widen the access into the alley. The alley will be improved throughout the entire block, so the neighbors will also be able to utilize the maintained alley. Due to the traffic on SW 4<sup>th</sup> Avenue, the other owners will eventually have to dedicate 5 ft. of their property to widen the alley to 20 ft. to accommodate 2-way traffic. Ms. Redding advised that this project does meet the Code for the cluster developments, which includes the additional setbacks of the facades which face the front portion of the property. The amenity is a gazebo on SW 4<sup>th</sup> Avenue.

Chair Curtis invited questions for Staff by the Board.

Ms. Golub asked if a barbecue grill was being put in the front yard. Ms. Redding indicated that it was a gazebo – a shade structure – with a barbecue grill. Ms. Golub stated that in looking at the plans, it shows a barbecue grill with its back to the street and the grill facing the front door of the middle of these units. Ms. Redding confirmed that this was correct. Ms. Golub asked if Staff has taken the position that this is adequate to meet the common element requirement. Ms. Redding advised that the Code is very vague as to the amenity for the cluster development, merely stating that it shall be placed in a common area, and that it can be a gazebo, a spa, a pool, and that it can be shared. Ms. Golub then questioned whether Staff, in fact, had no concern about placing this barbecue grill on the street side of this parcel.

Mr. Brewton offered to explain that Staff has looked at the site plan simply in meeting the minimum Code requirements. He expressed that the applicants are often challenged to meet the spirit of the cluster Code. Mr. Brewton encouraged the Board to look at this application from the Applicant's point of view, to see if it is sufficient enough to meet this conditional use process.

Upon inquiry by Ms. Graham, Ms. Redding advised that traffic would move through the alley in a one-way direction from south to north. Ms. Graham asked how fire trucks would service the property, and Mr. Stroh stated that they would access the property through a 12-foot wide gate on SW 4<sup>th</sup>.

Chair Curtis, hearing no additional questions for Staff, opened the public hearing. There being no members of the public wishing to speak on this item, Chair Curtis closed the public hearing and brought the discussion back to the Board.

Mr. Stroh asked to explain to the Board that there is a wall that would separate the barbecue area from the street. It was felt by the Applicant that the shared amenity should consist of more than just a few benches, so the barbecue was included to encourage more use of the area.

Ms. Golub stated that it appeared that the barbecue amenity could be easily accessed from pedestrian traffic along the street/sidewalk. Mr. Stroh advised that the rendering is not clear but there is, in fact, a fence and a gate that is private to the 3 units. Ms. Golub expressed concern that the fence was encroaching the setback of the cluster homes. Mr. Brewton advised that the fence can be within the setback area, but it is required to be a minimum of 3 feet from the property line on the street side.

Upon questioning by Ms. Graham, Mr. Stroh admitted that the drawings on page SP1.0 were incorrect as to the fence. He placed the drawings on the overhead projector and showed everyone where the fence and gate were actually going to go, and that it was going to be private and not open to the public.

Mr. Glassman asked Mr. Stroh the height of the enclosure/fence around the barbecue area, to which Mr. Stroh stated that it was 6-feet at the top of the arch, and the main fence is at 4-feet.

Several Board members questioned how the fire department would have access to the homes, and Mr. Stroh advised it would be through the front gate. He also advised that the fire department reviewed the plans of this development.

Chair Curtis closed the public hearing and brought the item back to the Board for discussion. Ms. Golub expressed that it was difficult to rely on fire or other staff approvals of a plan that has a giant error, such as a fence running the full street width of the property on 4<sup>th</sup> Street. Ms. Golub felt that the discrepancies on the plans include a wide open space for the common amenity and a low picket fence surrounding the cluster. It was Ms. Golub's opinion that she did not feel this proposal was in the spirit of cluster

homes or that it is a safe amenity to the residents or to the general public who will be walking by. She strongly urged her fellow Board members to vote against this proposal.

Chair Curtis asked Staff what should be done about the fence that the Applicant has indicated is missing from the drawing. Mr. Brewton responded that the fence that is missing from the drawing, if it is the desire of the Board that it is an important part of its determination of whether or not to vote this item up or down, it would be at the Board's discretion to ask for that information at a later date and not act on this tonight. In the alternative, the Board may act on this tonight and allow the Applicant to resubmit at some future point those issues that are concern to this Board.

Mr. Brewton reiterated that this is a conditional use process which allows the Board to point out any deficiency that is felt to be necessary, that may have been omitted in the process of granting a cluster development.

Chair Curtis asked Mr. Brewton whether the Applicant would be required to put the fence in if the Board approves the application as is. Mr. Brewton indicated that if the item is approved as it is, his concern would be that the Board would be approving something that has not been seen and has not been digested fully.

As to conditions, Mr. Glassman asked how bound the Board would be to the barbecue grill. Mr. Brewton stated that the Board would only be bound to approving the grill as part of the amenity package to this proposed site, insofar as it meets the spirit of the cluster development. Mr. Brewton further stated that it would be at the Board's discretion to request the barbecue be placed in a difficult location, or to ask the Applicant to explore other possibilities relating to any concerns with any aspect of this development.

Ms. Graham advised that she had concerns approving this application as she believed there to be problems with vehicular access through the alley and on SW 4<sup>th</sup> Street.

**Motion** made by Vice Chair Maus, seconded by Ms. Freeman to approve Site Plan Level III with the following staff recommendations:

1. Provisions satisfactory to the City Attorney shall be made for a five (5') foot recordable easement along the front and rear property lines for use by owners of the dwelling units.
2. The applicant must have a recorded maintenance agreement for the common areas.

In a roll call vote the motion was defeated (1-7). [Mr. Welch, Ms. Graham, Ms. Golub, Ms. Adams, Mr. Glassman, Vice Chair Maus, and Chair Curtis dissenting]



**5. VYCO I New River, LLC.**

**Yvonne Redding**

**2-P-08**

**Request: \*\***

**Plat Approval / B-2**

**Legal Description:**

All that part of Government Lot 4 and the North 1/2 of the NW ¼ of the SW ¼ of Section 20, Township 50 south, Range 42 east

**Address:**

3000 State Road 84

**General Location:**

North side of I-595 and South of State Road 84

Ms. Adams made a request that Items 5 and 6 be heard together, but voted upon separately. Chair Curtis asked Staff if this would be acceptable, and Ms. Miller and Mr. Brewton agreed this would be proper. Chair Curtis thereupon advised that Items 5 and 6 would be presented to the Board at the same time.

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Tracey Lautenschlager, Esquire, of Greenberg, Traurig, on behalf of the Applicant, explained that this matter was before the Board for approval of a plat. Ms. Lautenschlager reminded the Board that a B-2 rezoning was granted by this Board the previous month. The Applicant was requesting a perimeter plat for completely unplatted land. The use being proposed by the Applicant is a dry-stack storage facility for mega yachts. The facility will accept 75-ft. to 90-ft. yachts. Ms. Lautenschlager stated that the B-2 rezoning requires marina use on a waterway, which is exactly what is being planned for this property and that there being no adjacent or nearby residential properties.

Ms. Lautenschlager presented exhibits showing that access to the site would be via a traffic light at 30<sup>th</sup> Avenue, which connects to a dedicated public road called Marina Road, which curves around and dead-ends into the subject property. The property is actually located between S.R. 84, which is elevated at 20-ft. at the property line, and I-595, which is elevated at approximately 65-ft. at the property line. The height proposed for this project is 117-ft. The proposed storage facility will be 63-ft. from I-595.

Ms. Lautenschlager stated that the exterior will be metal with an applied finish that will be an upgrade to the neighborhood.

Mark Saltz, Project Architect, of Saltz Michelson Architects, showed where the building sat between the highways, surrounded by water on two sides.

Mr. Saltz advised that the building footprint is approximately 60,000 sq. ft. Within the building will be a slipway where the boats enter the building and are hoisted by a crane which then deposits the boats in individual suites. The crane can lift 100 tons (200,000 pounds). Boats can be up to 90-ft. long, 28-ft. wide, and 33-ft. tall. According to Mr. Saltz, no one has ever built a boat storage facility like this anywhere in the world to date.

Mr. Saltz showed renderings of the proposed interior of the storage facility. The suites will be 3-high within the building. Each suite will be self-contained with air conditioning, electrical hookups, an access way above the bow of the boat, a storage mezzanine, and a stairwell that leads to the floor of the space. There will be 62 storage suites within the building which typically creates a cube of the building.

Mr. Saltz showed renderings of the building exterior and explained where the owners' lounge and captains' offices will be located. There will be windows on the north and south sides which will create a translucency through the building, allowing drivers to see the crane hoisting boats into the suites.

Mr. Saltz explained that in a typical dry-stack facility the boats will go in and out on the weekends on a fairly regular basis. With the larger boats, they are actually used for months at a time and then they sit idle for months at a time.

Mr. Saltz believes the Applicant has created something compatible with the surrounding uses, and will encourage the use of the existing neighboring facilities in the area for the 62 yachts being housed in this mega yacht facility.

Yvonne Redding, City Planner, advised that this development is consistent with the comprehensive plan for an industrial land use property. The proposed height of 177-ft. is compatible with the zoning district, the setbacks have been met and the parking requirement for this type of use has been met. There will be some indoor parking and surface parking. Ms. Redding stated that the Applicant has worked with Staff to integrate the additional window treatments so that the viewing public passing at the rate of speed on I-595 can get a glimpse of the uses in the building.

Ms. Golub asked how the parking requirement is met, referencing sheet SP1.0. Ms. Redding stated that for a ship yard, parking is required at .2 per slip. Ms. Golub then questioned the office space, the gym, and other ancillary uses, and whether any consideration was made for the fact that when there is a bigger, longer boat, there will be crews. Ms. Redding advised that these other amenities were parked accordingly to the main use. Ms. Golub advised that she is concerned that 21 parking spaces for this project are inadequate, and that the computations being used are appropriate to this new style of dry dock marina for space with captains. Ms. Redding responded that this reflects the Code requirement, which was approved by the Zoning Administrator when the plans were reviewed by him.

Upon questioning by Mr. Glassman, Ms. Lautenschlager responded that the proposed building is a distance of between 55 and 65 feet from S.R. 84.

Chair Curtis, hearing no further questions for Staff, opened the public hearing. There being no members of the public wishing to speak on this item, Chair Curtis closed the public hearing and brought the discussion back to the Board.

Ms. Graham asked Mr. Saltz if the occupancy type is hazardous use because of the boats' fuel. Mr. Saltz explained that these boats all use diesel fuel, so the fire codes deal with it as a non-combustible. In addition, the Applicant has met with the Fire Marshall to discuss the life safety systems that are going in the building, and there is a letter contained within the Development Review Committee (DRC) submittal that stipulates what is being provided within the building and that it was found to be adequate to meet the Code.

Mr. Saltz explained that the boats were supported within the building by the columns, as they were not actually supported by the slabs themselves. Even on the first level, there are beams running parallel to the long direction of the boat in order to support it within the columns.

Mr. Saltz confirmed for Ms. Graham that there will be no sleeping on the second level in the club facility.

As to the parking, Ms. Golub asked Mr. Saltz how many employees will be working at this facility on an average day. Mr. Saltz explained that the parking required for this facility is 13, but they were providing 21 spaces, based on the City's Code. There will be between 3 to 4 parking spaces required for the employees of this facility. This would include a crane operator, 1 or 2 dock hands within the building, and perhaps 1 full-time concierge.

Mr. Brewton interjected and asked for the Applicant to explain to the Board what section of the Code is being applied to satisfy the parking requirement. Mr. Saltz advised that the applicable section of the Code is 47.20, Article 3, and is on page 329, wherein it states at the top of the page: "Dry dock boat storage, .2 per dry dock storage space."

Mr. Brewton advised that of concern was that the Applicant was identifying some accessory uses as relating to office, captains' lounge and captains' office space, and asked for an explanation as to how this is addressed within the parking requirements. Ms. Lautenschlager stated that the ancillary uses are not additional public uses and that no one is going to come to this facility to use the lounge. As such, all ancillary uses are dependent upon the primary use.

Mr. Brewton requested an explanation as to how this would be monitored and be accomplished through the operation of the facility. Ms. Lautenschlager expressed that the boats are enormously valuable pieces of machinery. It will be a secure facility with owner security fobs, and there is a vested interest in assuring that the site is not open to the public for the purpose of protecting these yachts. Further, there will not be a business license to operate a gym or an office building.

Mr. Saltz responded to Mr. Brewton that the square footage on the 1<sup>st</sup> floor is 2100 sq. ft. for the customer lounge amenities, and on the 2<sup>nd</sup> floor there is approximately 2000 sq. ft. of captain office space that would be assigned by the concierge. This office space is expected to be used primarily for making telephone calls to arrange for provisions to be delivered to the boats when anticipating a trip. Ms. Golub again expressed concern that

there was nowhere for overflow parking to go, especially in light of limited egress. Mr. Saltz reiterated that the Applicant does not believe there is any additional parking needed than what is being provided.

Ms. Graham asked what type of fuel was going to be used for the on-site generator. Mr. Saltz responded that it would be a buried tank. Ms. Graham then questioned Mr. Saltz about the amount of space being allocated for the turnaround of vehicles in the parking area. Mr. Saltz explained that delivery trucks and their turnaround would occur at the northeast corner of the building. Ms. Graham stated that she did not see delivery areas labeled anywhere, and Mr. Saltz advised that they are not required, per Code, for this type of use.

Chair Curtis asked the architect, Mr. Saltz, to show the common areas on the site plan data, sheet SP1.0, referencing a lobby, club fitness area, common areas on floor 3B. Mr. Saltz referenced 1A, where it indicates 2,153 sq. ft. for club fitness area, which is common area only for people who use the building. This does not include the lobby which is not habitable space, but is merely transitional space. Mr. Saltz then referenced 1B, club locker rooms, which are on the same level as the offices, wherein it indicates 2,236 sq. ft. The common area on the second level consisting of 4,172 is public corridor that connects the boat suites.

Chair Curtis inquired as to the "mezzanine storage" on 3B, to which Mr. Saltz explained as being the actual storage area within the boat storage space.

Chair Curtis summed up that the between 4,000 and 5,000 sq. ft. of common areas, consisted of the lobby area on 1A, the club fitness area and the club lockers on floor 1B. Mr. Saltz indicated that this was correct.

Finding no member of the public wishing to speak, Chair Curtis allowed the Applicant to make a final statement.

Ms. Lautenschlager advised that the Applicant was asking for conditional use approval in addition to the site plan approval and plat approval. Ms. Lautenschlager then referenced the Staff Report which recites that the project meets the requirements of conditional use to obtain the conditional use approval.

Chair Curtis then invited discussion by the Board. Ms. Golub asked Mr. Brewton how the Board can vote on something where the numbers don't match. Mr. Brewton advised that the Board needs to feel comfortable that the information that has been provided is sufficient enough to make a determination of whether to vote up or down. If the Board does not feel comfortable with how the application has been presented, Mr. Brewton indicated that it can be requested that the matter be continued and that those items be addressed at another meeting in a clearer fashion or the Board may vote on what is before it tonight.

Ms. Golub asked Mr. Brewton if the Board can require the Applicant to resubmit a request for approval that contains the correct numbers. Mr. Brewton stated that the Board can ask for whatever it desires in order to make a decision with which it can be comfortable. Ms. Golub indicated that she is unsure if the floor plans showing what is available, matches the summaries that are being provided. Ms. Golub stated that the use of the property and the intended uses of this dry dock storage is what governs the Board's responsibility to ensure proper circulation for the kinds of uses in terms of the surface roads. In addition, it requires the Board be certain there is adequate parking to accommodate all of the uses of the proposal.

Ms. Golub stated that she was uncomfortable being asked to vote on 120 dry boat slips and 33,000 sq. ft. of ancillary marina use, and then being told that it's actually only 62 dry dock slips, and approximately 4,100 sq. ft. or more of ancillary marina use. Ms. Golub expressed that she was, therefore, uncomfortable with this application.

Ms. Graham contended that she did not have a comfort level between the numbers contained on the two different applications and the fact that someone did not have an opportunity to coordinate the submittals between surveying by McLaughlin Engineering and the architect's items.

Mr. Glassman indicated to Ms. Graham that the information presented was not totally incorrect, but was conflicting, and thereby required clarification.

**Motion** made by Ms. Freeman, seconded by Mr. Glassman to defer this Item to the June 18, 2008 Planning & Zoning Meeting.

Mr. Brewton suggested that while there may be some issues relating to Code, the Board appeared to be expressing concerns with circulation, the site plan and functional issues that might meet Code, but the Applicant will need to bring these back to address for the Board.

**Motion Amended** by Ms. Freeman, seconded by Mr. Glassman, to defer this Item to the June 18, 2008 Planning & Zoning Meeting, and to have the Applicant address the concerns of Mr. Brewton at that time. In a roll call vote the motion was approved unanimously (8-0).

**6. VYCO I New River, LLC.**

**Yvonne Redding**

**26-R-08**

**Request: \*\* \***

**Site Plan Level III / Waterway Use / B-2**

**Legal Description:**

All that part of Government Lot 4 and the North 1/2 of the NW ¼ of the SW ¼ of Section 20, Township 50 south, Range 42 east

**Address:**

3000 State Road 84

**General Location:**

North side of I-595 and South of State Road 84

[This item was presented in conjunction with Item 5, above.]

**Motion** made by Ms. Freeman, seconded by Mr. Glassman to defer this Item to the June 18, 2008 Planning & Zoning Meeting. In a roll call vote the motion was approved unanimously (8-0).

**Motion Amended** by Ms. Freeman, seconded by Mr. Glassman, to defer this Item to the June 18, 2008 Planning & Zoning Meeting, and to have the Applicant address the concerns of Mr. Brewton at that time. In a roll call vote the motion was approved unanimously (8-0).

**7. Marcie and Richard Spreen**

**Michael Ciesielski 40-R-08**

<b>Request:</b>	<b>Site Plan Level III/ Conditional Use: Cellular Tower Extension/ I</b>
<b>Legal Description:</b>	Parcel "A" of Gateway Industrial Center No. 31, P.B. 116-44 and Lot 1 of Gateway Industrial Center, No. 5, P.B. 84-4
<b>Address</b>	6680 NW 17 Avenue
<b>General Location</b>	East side of NW 17 Avenue approximately two blocks south of West McNab Road

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Janna Lhota, Esquire, with Holland and Knight, on behalf of the Applicant, Verizon Wireless, apprised the Board that the Applicant seeks a conditional use approval to allow a setback modification for a proposed extension to an existing wireless communications tower in order to accommodate Verizon Wireless' facilities and to otherwise avoid the construction of a new wireless facility in the area. Pursuant to Section 47-18.11 of the Unified Land Development Regulations (ULDR), the proposed extension will exceed 100 feet. An additional setback of 1 foot for every foot over 100 feet is required. Ms. Lhota expressed that because the tower is existing, having been constructed more than 10 years ago, relocation of the facility to accommodate the additional setback required is neither practical nor feasible.

The telecommunications facility is located at 1680 NW 17<sup>th</sup> Avenue, just north of the Executive Airport and south of McNab Road. Ms. Lhota advised that the existing wireless communications facility was approved by the City in 1997, and is an enclosed wireless compound, consisting of a 95-ft. tall existing wireless tower and an enclosed structure that currently houses the ground equipment for the single user on the pole.

Ms. Lhota explained that Verizon Wireless proposes to install an approximate 21-foot tall extension to the top of the pole, to include its base equipment within the fence enclosed compound. Ms. Lhota advised that the specific setback modification being requested is to the north and east of the property. Prepared the setback modification required for the

side/north yard is 17 feet. With the existing facility, 8 ft., 8 inches is being provided. The setback requirement for the rear/east property line to the alleyway is 22 feet. With the existing facility, 12 ft, 8 inches is being provided.

Ms. Lhota showed a photo of the existing facility, and a photo simulation of what the tower will look like.

The criteria for approval are outlined in two different sections of the ULDR: Section 47-18.11R, which sets back the criteria for a setback modification for a wireless communications facility. For the sake of brevity, Ms. Lhota referred the Board to the expanded narrative that was attached to the application and the site plan, which details all the criteria outlined in that section and the Applicant's response. Ms. Lhota explained that the Applicant does not anticipate any adverse impact as a result of the approval of this application as this facility does presently exist. Ms. Lhota expressed that the granting of this application will avoid the proliferation of an additional new structure in the area.

As required by the Code, a technical study has provided by Verizon Wireless which shows that the RF design and the site will meet all applicable FCC requirements, and that this site is needed to provide adequate coverage in the area, and to otherwise allow for a seamless hand-off of calls from the existing Verizon network. Ms. Lhota then placed various propagation maps on the overhead projector, which show the existing cell sites and proposed coverage area.

Ms. Lhota advised that the next criteria to be considered by the Board is the conditional use criteria outlined in 47-24.3 of the Code. As this is an unmanned wireless telecommunications facility, it is anticipated to meet all of the adequacy requirements outlined in the Code. This facility is not required to be lit and there will be no emissions from this facility.

Michael Ciesielski, City Planner, emphasized that this area is all industrial, which is relevant when considering neighborhood compatibility. Mr. Ciesielski stated that the applicant has provided written responses as to how this proposal meets the criteria for conditional use approval and the criteria for tower development modifications.

Mr. Ciesielski requested that the Board consider that the tower if modified, will be compatible with and not adversely impact the character and integrity of surrounding properties. Further, Mr. Ciesielski explained that off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification. Mr. Ciesielski asked that the Board consider the conditions of approval contained within the Staff Report.

Mr. Glassman asked Mr. Ciesielski how many feet the setbacks would be deficient due to the tower extension. Mr. Ciesielski advised it would be 8-ft., 4 inches on the north side, and 9-ft., 4 inches on the east side. Mr. Glassman asked if this was acceptable to Staff, and Mr. Ciesielski responded that it is, especially in light of the fact that the Applicant is co-locating.

Chair Curtis, hearing no additional questions for Staff, opened the public hearing. There being no members of the public wishing to speak on this item, Chair Curtis closed the public hearing and brought the discussion back to the Board.

**Motion** made by Vice Chair Maus, seconded by Ms. Adams to approve Site Plan Level III with the following staff recommendations:

1. Applicant shall adhere to the regulations governing certifications, inspections, and maintenance of the communication tower as stated in Sec. 47-18.11.P. and Q.
2. Above-ground storage tank shall be subject to meeting the requirements for fuel storage found in Sec. 47-18.13.C. 1-4.
3. Site plan approval shall be valid as provided in ULDR Sec. 47-24.1.M.
4. Final DRC approval.

In a roll call vote, the Motion was approved unanimously (8-0).

**8. CJB Real Estate Management, L.P. / CVS # 0410      Thomas Lodge      1-ZR-08**

<b>Request:</b>	<b>Rezoning with Flex Allocation / Rezone RMM-25 to CB</b>
Legal Description:	Lots 10 and 11, Block 2, "Coral Ridge Addition A", P.B. 41, P. 30 and Lots 9, 9A, 12, 12A, Block 2, "Coral Ridge Addition A", P.B. 41, P. 30
Address	1815 East Commercial Boulevard
General Location	North of Commercial Boulevard between NE 18 Terrace and NE 18 Avenue

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Robert Lochrie on behalf of the Applicant, Cedarwood Development, displayed views of the property which is located at the northeast corner of NE 18<sup>th</sup> Avenue and Commercial Boulevard. Currently on this property are two separate office buildings with surface parking to the north. Tonight's request is for commercial flex rezoning to the community business zoning category and for approval of a retail pharmacy to be located on the site. The property is currently used for commercial land use and zoning purposes with two office buildings on the site – one being a 3-story office building and the other is a 2-story office building.

Mr. Lochrie explained that the property is made up of 6 lots. The southern 4 lots are within the City's community business zoning district, and the 2 northern lots are zoned multi-family residential, even though they are used for commercial uses and office parking. Mr. Lochrie stated that the project has been designed to meet all the Code requirements, and meets the setbacks under the existing Zoning Code by providing 70-feet on the south and west, and 30-feet on the east and on the north. Mr. Lochrie advised



that the project has been designed to meet or exceed all of the City's parking requirements and the landscape requirements, including neighborhood compatibility.

Mr. Lochrie informed the Board that the Applicant has met with the adjacent neighborhood association and discussed this project with them on several occasions. In addition, Mr. Lochrie stated that the Applicant has received a letter of support from the neighborhood association, whereupon he provided this letter to the Board. As a result of this presentation, this Applicant was requested to come before the City's Utility Advisory Committee last month to present how the utilities are being undergrounded on this project. Mr. Lochrie advised he would also provide the Board with a letter of support received from the Utility Advisory Committee.

Thomas Lodge, City Planner, reiterated that this is a request to rezone from RMM-25 and Community Business (CB), exclusively to CB with flex allocation for a proposed 12,000 sq. ft. CVS Pharmacy with a drive-thru, on a 49,372 sq. ft. parcel. Currently the property to the east, west and south of the site are zoned Community Business. The property to the north is zoned RMM-25. Mr. Lodge advised that all development requirements have been addressed.

Mr. Lodge stated that pursuant to ULDR Sec. 47-24.4.D, the following criteria shall be used to evaluate the rezoning request:

- 1) The zoning district proposed is consistent with the City's Comprehensive Plan.
- 2) Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning.
- 3) The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.

Mr. Lodge explained that other criteria include adequacy, neighborhood compatibility, and flexibility rules as per ULDR Sec. 47-28.1.G. Per this section of the ULDR, the City may permit commercial uses on a parcel with a residential land use designation subject to the following conditions:

- 1) Demonstration that the use of the commercial flex acreage supports and implements the specific goals, objectives and policies of the City ULDR.
- 2) Rezoning application in accordance with 47.24.2, Development Permits and Procedures.

Ms. Graham asked Mr. Lodge if he was aware that the building currently on the site has a commercial low use, such as doctors' offices, and whether he felt it is appropriate for the change in use. Mr. Lodge explained that Staff feels appropriate in the change of use because the areas that surround the property are zoned CB, that the property is on Commercial Boulevard, there is commercial retail across the street to the west and south of the site, and a fire station is to the east.

Ms. Graham referenced sheet E-1, and stated that her biggest concern was that the lighting was on 25-ft. high poles and could affect the single-family homes that are further up 18<sup>th</sup> Terrace on either side of the road. Ms. Graham asked if Staff had looked at this and was comfortable with it. Mr. Lodge advised that Staff had looked through it and it met Code.

Mr. Golub inquired as to whether there was a road or alleyway that runs between the two parcels. Mr. Lodge explained that there was originally an alleyway platted through there, but according to the survey it had been vacated and is now an access easement. Per Mr. Lodge, there are actually two easements and the Applicant is going to apply for a vacation. Upon questioning by Ms. Golub, Mr. Lodge confirmed that the Board was being asked to vote on the rezoning issue alone this evening. Mr. Brewton stated that the rezoning flex with the site plan does go along with it, and the issues mentioned by Ms. Golub would need to be a conditional part of the review should the Board vote to approve the request.

Chair Curtis, hearing no additional questions for Staff, opened the public hearing.

Dan Goetz, representing Crossroads Condominiums, a 12-unit condominium, advised of various concerns of the Condominium Board relating to this application:

- 1) There is concern about the lighting, as the project is directly across the street from the Crossroads Condominiums.
- 2) This project will be close to the Crossroad Condominiums and will be visible from their bedroom windows, affecting property values.
- 3) This project will greatly increase traffic to the neighborhood.

Mr. Goetz stated that there is a high tree wall which separates the view from 18<sup>th</sup> and Commercial from both directions. In addition the office building that currently exists on the site is quiet and empty in the evenings and is not a 24-hour facility.

Mr. Glassman asked if Mr. Goetz' condominium was provided a presentation from the development team, or whether the condominium was ever contacted by the development team. Mr. Goetz advised that they had only received a letter from the Planning and Zoning Board on May 3, 2008, but not from the development team. Mr. Goetz further stated that the condominium board met last night and they voted unanimously against this project in every way.

Gary Harris advised that he has lived in the neighborhood for 30 years, and as such has seen a lot of changes. He feels this would be one of the worst changes. Mr. Harris explained that the store would be put right at their front door, and expressed concern that the increased noise would affect their sleep. Speed bumps have been installed on 51<sup>st</sup> Street, which has helped somewhat to slow the traffic. Mr. Harris also advised that this was one of the most dangerous intersections in the City and questions why CVS would want this particular lot. Mr. Harris expressed concern for increased crime with a CVS store and their lack of security. In addition, a lot of garbage receptacles were visible from

the back of various other CVS stores which would be something the condominium residents would have to look at.

Mr. Harris indicated that when the current building is demolished, his development will be exposed to the traffic on Commercial Boulevard, all the lanes of 18<sup>th</sup> Avenue and 18<sup>th</sup> Terrace, and it will be a real noisy place to live. Mr. Harris stated that if this project is constructed he will have to move, but does not believe anyone will want to buy his home and move there under such conditions.

Julian Helkowski, owner of the 4-plex directly behind the property which faces NE 18<sup>th</sup> Terrace indicated that the traffic on Commercial Boulevard is horrendous, most of the time blocking the traffic at the fire station. The only way in and out of the proposed CVS would be via 18<sup>th</sup> Avenue and 18<sup>th</sup> Terrace. Mr. Helkowski feels that the traffic situation would be made much worse by the construction of a CVS on this property.

Upon inquiry by Mr. Glassman, Mr. Helkowski stated that a few days earlier he had received a letter from Cedarwood Development dated May 14, 2008, however he had not been notified of any meeting where this matter would be presented.

There being no additional members of the public wishing to speak on this item, Chair Curtis closed the public hearing and brought the discussion back to the Board.

Ms. Freeman asked the Applicant to explain the egress and ingress of the property. Mr. Lochrie explained that currently there is access at 18<sup>th</sup> and at Commercial. The Applicant will be removing that access completely. In addition, another access point further to the north will be relocated further to the north, away from the intersection. Mr. Lochrie advised that there will be no access onto the site from Commercial Boulevard whatsoever. On 18<sup>th</sup>, there are access points both at the north and south that are 2-way under the existing condition. The Applicant will be changing that access so there is a right-out only onto 18<sup>th</sup> and a turn-in only off of 18<sup>th</sup> Terrace to the north. This will provide one way in (at the north) and one way out (at the south) and the dual in/out occurs at 18<sup>th</sup> Avenue. Mr. Lochrie confirmed that this was addressed with the fire department that is directly next door.

As to reaching out to the neighborhood, Mr. Lochrie stated that the Applicant did meet with the Association and did contact the Knoll Ridge Association, whose President advised that they had disbanded. Mr. Lochrie stated that he has absolutely no problem reaching out to the neighbors and talking with them, including the neighbors that are here tonight. Mr. Lochrie would welcome the opportunity to discuss the concerns of the neighborhood and to give them the opportunity to review the site plan and see the improvements that are being planned.

Mr. Lochrie indicated that he would not be adverse to a deferral of this item to the following month and would be open to any comments by the Board in order to improve this project. Ms. Freeman suggested that the Applicant reach out to Crossroads Condominium Association.

Ms. Graham expressed that she felt there were problems with the potential route that garbage trucks would be entering and exiting the property because utilitarian functions, such as trash removal, will be pushed to the back of the site against the residential neighborhood. Ms. Graham stated she was concerned of such an encroachment into the neighborhood and believed the project would be a detriment.

Mr. Glassman asked what would be happening to the CVS that is currently two blocks from this site. Mr. Lochrie stated that it would be moving into this new CVS location.

**Motion** made by Ms. Freeman, seconded by Vice Chair Maus to defer this item to the June 18, 2008, Planning & Zoning Board Meeting granted in a roll call vote 7-1 (Ms. Graham dissenting).

**9. Arthur and Shirley Stone / Concentra Medical Center      Thomas Lodge      147-R-07**

<b>Request:</b>	<b>Parking Reduction/ Site Plan Level III/ CB</b>
Legal Description:	Lots 1, 2, 3 and 4, Block 22, "Croissant Park", P.B. 4, P. 28
Address	1347 South Andrews Avenue
General Location	North of SW 14 Street between Andrews Avenue and SW 1 Avenue

Chair Curtis noted that the applicant has requested a deferral of this item to the June 18, 2008, Planning and Zoning Board Meeting, which was confirmed by Sharon Miller, Assistant City Attorney.

**Motion** made by Ms. Golub, seconded by Ms. Graham, to defer this item to the June 18, 2008 Planning and Zoning Board Meeting. In a voice vote, the motion was approved unanimously (7-0). [Ms. Adams absent for this vote]

**10. St. Thomas Aquinas High School, Inc / Storage Building      Thomas Lodge      27-R-08**

<b>Request:</b>	<b>Site Plan Level III/ Storage Building/ CF-HS</b>
Legal Description:	Block 1, "Curley Heights", P.B. 28, P. 15
Address	2810 SW 12 Street
General Location	One block north of Davie Blvd, between SW 10 Street and SW 12 Street

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Sam Poole, on behalf of the Applicant, stated that this was before the Board as there is more than 10,000 feet in a CF zone. The Applicant wants to replace 3 portables with a permanent building that will be used for storage.

Thomas Lodge, City Planner, advised that upon removal of the 3 portable classrooms, the Applicant wishes to construct a 4,095 sq. ft. storage building at St. Thomas Aquinas High School campus. The property is currently zoned Community Facilities – House of Worship, CF-HS. This Application is submitted pursuant to the ULDR Sec. 47-8.30, Dimensional Requirements for Public Purpose Districts. The Development Review Committee reviewed this matter on February 12, 2008. Mr. Lodge stated that this use is consistent with the Comprehensive Plan as permitted in the Community Facilities land use category.

Chair Curtis, hearing no questions for Staff, opened the public hearing. There being no members of the public wishing to speak on this item, Chair Curtis closed the public hearing and brought the discussion back to the Board.

Ms. Golub addressed the Applicant and stated that it appeared that they were often before this Board to make requests in what seemed like a piecemeal fashion. She asked if there was an overall plan that could be shown to the Board in order to avoid confusion as what is being done with the rather significant tract of land in the community.

Mr. Poole stated that he did not know of any future construction that was planned, other than some potential development on the property nearest Davie Boulevard. However, at this time, there are no plans to be shared with the Board.

Ms. Graham asked if there was any site lighting associated with this work. Mr. Poole advised that all lighting is existing.

**Motion** made by Vice Chair Maus, seconded by Mr. Welch to approve Site Plan Level III granted as presented unanimously (8-0).

### **For the Good of the City**

Chair Curtis announced that this is his last meeting and that he would not be back in June. He wished everyone his best and stated that it has been an honor to serve with everyone.

Ms. Freeman asked Mr. Brewton when the plans would be reduced to 11 x 17. Mr. Brewton explained that it would take a transitional period of time, but it was believed it should be implemented by August. It will be attempted to phase this in. The other option would be to place something electronically before the Board, but that technology is not in place at this time.

There being no further business to come before the Board, the meeting was adjourned at 9:14 p.m.

Chair:

Catherine Mans

Attest:

Brigitte Chiappetta

Brigitte Chiappetta, Recording Secretary